

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CYNTHIA KENNEDY,)	
)	
Plaintiff,)	
v.)	
)	
STUART M. CHASE, in his)	CIVIL ACTION NO. 05-10191-RCL
individual capacity, and the)	
TOWN OF DANVERS,)	
)	
Defendants.)	
_____)	

JOINT STATEMENT AND PROPOSED SCHEDULE

Counsel for the plaintiff and counsel for the defendants conferred by telephone to discuss settlement and a pretrial schedule on June 2-3, 2005.

I. CONCISE SUMMARY OF THE PARTIES' POSITIONS

A. PLAINTIFF'S STATEMENT

Danvers Chief of Police Stuart Chase used unreasonable force and falsely arrested Cynthia Kennedy in retaliation for her attempt to file a citizen's complaint against one of his officers. On September 29, 2003, Ms. Kennedy went to the Danvers police station in order to file a complaint against a Danvers police officer. Ms. Kennedy informed Chief Chase that she would like to file a complaint against an officer who was at her house earlier in the day and attempted to explain what had happened. Chief Chase interrupted her and questioned Ms. Kennedy's interpretation of the incident. When Ms. Kennedy

tried to respond, Chief Chase became upset, yelled at her and told her that the meeting was over. He ordered her to get out of his office.

Ms. Kennedy walked out into the hallway. Chief Chase followed her, grabbed her by the left upper arm, turned her to the right towards the stairs and told her to leave the police station. As Ms. Kennedy stood in Chief Chase's grip, she asked him, "Don't I have the right to file a complaint?" Chief Chase responded, "You have the right to get out of here. There's the stairs." He squeezed her arm harder. Ms. Kennedy told Chief Chase that he was assaulting her and told him to let go of her arm. Instead of releasing her arm, Chief Chase told her that she was under arrest. When she asked what for, he shouted back, "For trespassing!" He then dragged her by the arm, down the hallways and the stairs, to the booking desk. Ms. Kennedy was held in a holding cell for approximately two hours. The criminal trespassing charge was dismissed upon request of the Commonwealth the following day.

As a result of the incident, Ms. Kennedy received medical treatment at the Beverly Hospital Emergency Room later that evening. Ms. Kennedy also suffered severe emotional distress as a result of the incident. She sought and received treatment from a mental health specialist.

B. DEFENDANTS' STATEMENT

Ms. Kennedy arrived at the Danvers Police station and asked to talk to the Chief of Police. She was escorted to the Chief's office. While there, she became increasingly upset and accused the department of providing false information. Chief Stuart Chase

indicated that she should go home and calm down. He told her that she would receive a complaint form from the dispatcher downstairs at the station. She was asked to leave the Chief's office several times and she loudly refused. Chief Chase placed his hand on Ms. Kennedy and tried to escort her out, at which time she began yelling that she had been assaulted and refused to leave his office. Finally, she was placed under arrest for trespassing.

II. DISCOVERY SCHEDULE

The parties propose the following discovery schedule:

1. The parties will provide their respective automatic disclosures by June 17, 2005.
2. The parties will complete all non-expert discovery by December 2, 2005.
3. Expert witness disclosures will be made by January 27, 2006 for plaintiff and February 24, 2006 for defendant.
4. Any expert depositions will be completed by March 31, 2006.

III. MOTION SCHEDULE

The parties agree that all dispositive motions, including motions for summary judgment, will be served upon all parties no later than May 26, 2006. Trial motions are to be served not less than seven (7) days prior to trial. This case will be ready for trial on July 10, 2006.

IV. CERTIFICATIONS

The parties have filed their respective certifications required by L.R. 16.1.

RESPECTFULLY SUBMITTED,

For Plaintiff Cynthia Kennedy:
By her attorneys,

/s/ Howard Friedman

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By their attorney,

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